

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Case No. 01-01139 (JKF)
	:	Jointly Administered
W.R. GRACE & CO., et al.,	:	
	:	Chapter 11
Debtors.	:	
	:	
	:	

**MOTION OF STATE OF MONTANA FOR ORDER
SHORTENING NOTICE REGARDING STATE OF MONTANA'S
MOTION FOR RECONSIDERATION OF COURT'S OPINION AND ORDER
DENYING MOTION OF THE STATE OF MONTANA FOR RELIEF
FROM THE AUTOMATIC STAY ENTERED APRIL 16, 2007**

The State of Montana, by and through its undersigned counsel, hereby moves for an order under Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure and Delaware Local Rules 9006-1 providing that notice of the Motion for Reconsideration of Court's Opinion and Order Denying Motion of the State of Montana for Relief from the Automatic Stay entered April 16, 2007 (the "Motion for Reconsideration")¹ be approved and shortened as discussed below. In support of this Motion, Montana respectfully represents as follows:

1. Pursuant to the Motion for Reconsideration, Montana is requesting, among other things, the vacation of the Court's Memorandum Opinion and Order entered April 16, 2007, denying Montana's Lift Stay Motion, expedited discovery on Montana's Lift Stay Motion, and that Montana's Lift Stay Motion be scheduled to be heard at the next omnibus hearing in this matter. Without the requested relief, Montana will likely

¹ The Motion for Reconsideration has been filed contemporaneously with the filing of the Motion to Shorten Notice.

suffer prejudice in state court actions pending in the State of Montana in which Montana will be prohibited from asserting third party claims. In light of the record established at the December 19, 2005, hearing (the "Hearing"), and the Court's Order dated January 17, 2006, all as set forth more specifically in the Motion for Reconsideration, the shortened notice requested in this Motion is precisely what the parties and the Court anticipated allowing in the event the Court denied the Debtors' Injunction Motion (as defined in the Motion for Relief). The Court's simultaneous denial of the Debtors' Injunction Motion and summary denial of Montana's Lift Stay Motion without an opportunity for discovery and a hearing, despite the record established at the Hearing and the Court's Order dated January 17, 2006, necessitates this Motion to Shorten.

2. Accordingly, by this Motion, Montana requests that the Court enter an order (a) shortening the thirty-five (35) day notice required by the Court's Second Amended Order Establishing Case Management Procedures and Hearing Schedule (D.I. 14028) to twenty-five (25) days to enable the Motion for Reconsideration to be addressed at the hearing scheduled for May 21, 2007 at 2:00 p.m. in the case, or such other date prior to May 21, 2007 as the Court may determine.

3. As explained in the Lift Stay Motion and Motion for Reconsideration, Montana faces the prospect of being denied the opportunity to assert claims against the Debtors in the numerous state court actions pending in the State of Montana. Montana should be able to test the allegations that the Debtors' specified representatives are integrally involved in the estimation and/or confirmation process and how their involvement would affect the reorganization process. Furthermore, Montana

should be given the opportunity to establish the prejudice it would suffer if it is unable assert third party claims in the State Court Actions.

4. Any harm to the Debtors or Libby Claimants would be outweighed by the harm that Montana will suffer if Montana is not afforded the opportunity to take expedited discovery and respond to the objections to its Lift Stay Motion. If the Lift Stay Motion is denied after discovery and a hearing, the state court actions can then move forward.

WHEREFORE, Montana respectfully requests that this Court exercise its discretion and enter an Order approving the form, manner, sufficiency, and shortening notice of the Motion for Reconsideration so that the Motion for Reconsideration may be heard at the omnibus hearing scheduled for May 21, 2007 at 2:00 p.m., and grant such other and further relief as the Court deems just and proper.

Dated: April 26, 2007

Respectfully submitted,

MONZACK AND MONACO, PA

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